



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

March 4, 2021

BY ECF & EMAIL

The Honorable Nelson S. Román
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/4/2021

Re: United States v. Robert Brown, a/k/a “Bob-O,” 20 Cr. 574-2 (NSR)

Dear Judge Román:

In accordance with the Court’s order dated March 3, 2021 (Docket Entry 44), the Government applied to United State Magistrate Judge Andrew E. Krause to stay his February 24, 2021 order granting bail to defendant Robert Brown’s, a/k/a “Bob-O.” Earlier today, Judge Krause rejected the Government’s application on the ground that the Government’s application for a stay offered no new evidence. (Docket Entry 47). The Government hereby renews its motion to stay Judge Krause’s bail order.

Before the Covid-19 pandemic, it was possible to appeal a Magistrate Judge’s bail decision the same day the decision was made or soon thereafter. As Your Honor well knows, Covid-19 has made the production of inmates for remote proceedings extremely challenging, and generally not something that can occur on short notice. It is therefore understandable that the Court would prefer to address the Government’s bail appeal at the next conference for this matter on March 12, 2021, as the defendant’s production has already been arranged.

However, as set forth in the Government’s letter to the Court appealing Judge Krause’s bail order (Docket Entry 41), the defendant is likely to satisfy his bail conditions before March 12, 2021 and there is a serious risk that the defendant will resume his narcotics dealing if released. This puts the residents of Mount Vernon, New York in serious danger, both from more narcotics pouring into the community and the violence that so often accompanies the narcotics trade. There is also a risk of flight given the strength of the Government’s case and the potential penalties the defendant is facing. For these reasons, the Government respectfully requests that the Court stay

MEMO ENDORSED

Judge Krause's order until March 12, 2021 so that the Court will have an opportunity to hear the Government's appeal and conduct a *de novo* review of Judge Krause's order.

Very truly yours,

AUDREY STRAUSS
United States Attorney

by: 

Benjamin A. Gianforti
Assistant United States Attorney
(914) 993-1919

cc: John Wallenstein, Esq. (by ECF & email)

The Government's application is granted. Judge Krause's February 24, 2021 bail order is stayed until such time as this Court has an opportunity to hear the Government's appeal to conduct a *de novo* review of Judge Krause's order and issues a decision. The Clerk of the Court is directed to terminate the motion at ECF No. 48.

Dated: 3/4/2021
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge